IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1163 OF 2004
IN
SUIT NO.1862 OF 2002

Ganesh Container Movers Syndicate..Plaintiff

Vs.

M/s.Mitsui O.S.K.LInes & Ors. .. Defendants

Mr.J.M.D'silva for the plaintiff

Mr.K.G.Desai for the defendant no.3

Mr.C.Bharucha i/b M/s.Mulla & Mulla & Craigie Blunt & Caroe for the defendant no.1/2

CORAM : S.U.KAMDAR, J

DATED : 25TH APRIL 2005

P.C.:

. The present chamber summons is taken out for amending the plaint. Amendment is sought to oppose on merits of claim as well as on the ground that it is unnecessary. In my opinion, neither of the aforesaid grounds are available for the amendment of the plaint in terms of the schedule. In so far merits of the case is concerned the same will be determined at the trial of the suit and defendants are at liberty to file additional

written statement to content the said claim on merits. Such written statement to be filed within a period of 12 weeks from today. Chamber summons is accordingly made absolute in terms of prayer clause (a) and (b). It is made clear that the issue of limitation is expressly kept open to be decided at the hearing of the suit.